

HOUSE BILL 1056
By McCord

AN ACT to amend Tennessee Code Annotated, Title 70, relative to wildlife.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 70-1-302, is amended by deleting such section in its entirety and substituting instead the following language:

(a) The wildlife resources agency is directed and authorized to perform the following duties and functions:

(1) Make such expenditures from funds in the wildlife resources fund and the boating safety fund as it deems advisable subject to the provisions of titles 9 and 12, and § 70-1-306(c)-(h);

(2) Protect, propagate, increase, preserve and conserve the wildlife of this state, and enforce by proper action and proceedings, the existing laws of this state relating thereto;

(3) Acquire by purchase, condemnation, lease, agreement, gift or devise, lands or waters suitable for the following purposes and develop, operate and maintain them for these purposes, subject to the provisions of § 70-1-306(c)-(h):

(A) Fish hatcheries and nursery ponds;

(B) Lands or waters suitable for game, birds, fish, or fur-bearing animal restoration, propagation, protection, management, or for access to such lands or waters;

(C) Public hunting, fishing or trapping areas to provide places where the public may hunt, trap or fish in accordance with the provisions of law or the regulations of the agency; and

(D) The protection, preservation, and enhancement of Reelfoot Lake and the lands surrounding it;

(4) Extend and consolidate by exchange lands or waters suitable for the above purposes;

(5) Capture, propagate, transport, buy, sell, or exchange any species of game, bird, fish, fur-bearing animal or other wildlife needed for propagation, enforcement or stocking purposes, or to exercise control measures of undesirable species;

(6) Enter into cooperative arrangements with farmers and other landowners or lessees for the utilization of lands under their ownership or control for the purpose of protecting, propagating, conserving, restoring, taking or capturing of the wildlife of the state, under such rules and regulations as the agency may prescribe; and

(7) Enter into cooperative agreements with educational institutions and state, federal, and other agencies to promote wildlife management and conservation.

(b) The agency may enter into cooperative agreements with the United States Tennessee Valley authority, United States fish and wildlife service, national park service, United States forest service, or with any other federal agency, or with any state for the purpose of regulating fishing, hunting, or trapping in the area under jurisdiction of the federal agencies or the state or in interstate waters, as the case may be. Such regulations shall become effective as soon as they shall have been accepted by all parties to the agreement and as soon as forty-five (45) days shall have elapsed from the first publication of such regulations. Agreements involving reciprocal actions relative to wildlife violations shall become effective forty-five (45) days after publication in the same manner as is required for proclamations.

(c) The wildlife resources agency may require creel census reports and reports of all fish taken under commercial fishing license and all mussels taken under commercial musseling license for any water or waters designated by it, such reports to be on forms provided by the executive director. This shall apply to license holders, wholesalers and others as required.

(d) The wildlife resources agency shall administer the Reelfoot Lake natural area, as provided in title 11, chapter 14, part 1.

(e) In order to further the public interest in the protection and preservation of wildlife and its habitat, the wildlife resources agency is authorized to participate in the federal wetlands mitigation banking program. Participation includes, but is not limited to, entering into agreements for agency or private development, construction and operation on lands which are affected by the program and which are owned, leased, or controlled in some manner through cooperative arrangement agreement or otherwise by the agency.

(f) The agency may sell advertising in any magazine or other publication of the agency, under terms and conditions to be set by the agency. The revenue generated from such advertising shall be deposited exclusively in the wildlife resources fund provided in § 70-1-401. Any person or entity purchasing such advertising shall include an appropriate disclaimer, as determined by and subject to approval of the agency, to ensure that the appearance of such advertising in an agency publication does not constitute, directly or indirectly, any endorsement by the agency of any products, services, companies, organizations, or other matters referenced in the advertising.

(g) The agency may sell the right to include advertising in mailings sent by the agency, including, but not limited to, licenses, under terms and conditions set by the agency; provided, that any advertisers must comply with the disclaimer requirements of subsection (f). The revenue generated from such advertising shall be deposited exclusively in the wildlife resources fund provided in § 70-1-401.

(h) (1) The agency is authorized to enter into agreements with landowners or persons who control hunting access to lands to establish deer management assistance plans. The purpose of a plan is to permit a landowner, adjoining landowners, or persons who control hunting access on contiguous lands to achieve deer management goals on the contiguous land through management for the specific needs of deer that may at any point in time cross over the land. Harvests under a particular deer management plan may exceed the normal season harvest in accordance with the plan.

(2) General guidelines for implementation of a deer management assistance program shall be developed by rule and regulation. In order to qualify under the program, the total combined contiguous acreage must meet or exceed one thousand (1,000) acres. Further, a deer management assistance permit must be purchased. Permit fees shall be established by rule and regulation. It is the intent in creating this program that it shall be revenue neutral to the agency and the state.

SECTION 2. Tennessee Code Annotated, Section 70-1-307, is amended by deleting such section in its entirety and substituting instead the following language:

(a) It is the duty of the executive director, on or before September 30 of each year, to prepare and present to the governor and each member of the wildlife resources commission an annual report showing what has been expended by the agency during the year immediately preceding, the amount of moneys received and from what source and the amount expended and for what purposes.

(b) The governor shall present copies of such reports as the governor may deem necessary to the next convening general assembly.

SECTION 3. This act shall take effect July 1, 2003, the public welfare requiring it.